

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KIVEN HARRS,

Plaintiff,  
-against-

ERIC ADAMS, Mayor of New York City, et al.,

Defendants.

1:23-CV-8427 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who appears *pro se*, was held in the Eric M. Taylor Center (“EMTC”) on Rikers Island when he filed this action. The Court received Plaintiff’s complaint on September 22, 2023. Four days after receipt of Plaintiff’s complaint, by order dated September 26, 2023, the Court granted Plaintiff *in forma pauperis* (“IFP”) status. (ECF 4.) That order was not returned to the court from its mailing to Plaintiff at the EMTC. The Court has learned, however, that on October 4, 2023, Plaintiff was released from custody. He has not notified the court of a new address where he can receive mail, nor has he consented to electronic service of court documents. Plaintiff also has not made any further written submissions to the court.

It is Plaintiff’s obligation to provide an address for service, and this action cannot proceed if the Court and the defendants are unable to serve him with documents. The Court therefore directs Plaintiff, within 60 days of the date of this order, to notify the Court in writing of his current mailing address. Plaintiff has the option of consenting to receive electronic service of court documents via an email address, if he can receive documents by email. A form for Plaintiff to complete and return to the court within 60 days, if he wishes to consent to electronic service of court documents by email, is attached to this order.

If Plaintiff does not comply with this order within the time allowed, the Court will dismiss this action, under Rule 41(b) of the Federal Rules of Civil Procedure, without prejudice to Plaintiff's refiling it.

### CONCLUSION

Plaintiff is directed to notify the court in writing, within 60 days, as to: (1) his current mailing address; or (2) whether he consents to electronic service of court documents, which requires him to complete the attached form and return it to the court. Plaintiff's response must be submitted to the court's Pro Se Intake Unit, and his submission should be labeled with the docket number 1:23-CV-8427 (LTS).

If Plaintiff does not comply with this order within the time allowed, the Court will dismiss this action without prejudice. *See* Fed. R. Civ. P. 41(b).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff's last known address and to provide a copy of this order to Plaintiff should he appear at the court's Pro Se Intake Unit's window.

SO ORDERED.

Dated: October 20, 2023  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge